



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
November 23, 2010

MEMBERS, OCONEE COUNTY COUNCIL

Mr. Reg Dexter, District V, Council Chairman
Mr. Joel Thrift, District IV, Vice Chairman
Mr. Wayne McCall, District II, Chairman Pro Tem
Mr. Paul Corbeil, District I
Mr. Mario Suarez, District III

Oconee County Council met on Tuesday, November 23, 2010 at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, Thomas L. Martin County Attorney, County Administrator Scott Moulder, Sr. Executive Assistant Amanda Brock and Clerk to Council, Elizabeth G. Hulse present.

Press: Pursuant to the Freedom of Information Act, notice of the meeting, date, time, place of meeting and agenda were posted on the bulletin board at the County Administrative Offices, 415 South Pine Street, Walhalla, SC, and the County Council website [www.oconeese.com/council]. In addition it was made available [*upon request*] to the newspapers, radio stations, television stations and concerned citizens.

Member of the press present: Ray Chandler – Anderson Independent, Beverly Tanner, WSPA-7 & Carlos Galarza - Daily Journal.

Call to Order: Mr. Dexter called the meeting to order at 6:00 p.m.

Extended Public Comment Session:

Pioneer Rural Water Expansion Plans / Mr. Glen McPheeters

Mr. McPheeters addressed Council reading from a prepared statement [copy filed with these minutes] regarding his concerns about Pioneer Rural Water's expansion in the southern part of Oconee County. Along with his comments he presented a copy of a letter to Representative Don Bowen.

Public Comment Session [related to specific agenda items & non-agenda items]:

Mr. Jack Collins addressed Council in opposition to passage of Ordinance 2010-31.

Mr. Randy Simpson addressed Council utilizing a PowerPoint presentation [copy filed with these minutes] in opposition to passage of Ordinances 2010-29 and 2010-31.

Mr. Bo Horne addressed Council utilizing a PowerPoint presentation [copy filed with these minutes] in opposition to passage of Ordinance 2010-31.

Mr. Joe Jones addressed Council in opposition to Council purchasing any real estate.

Mr. Steve Moore addressed Council opposition to passage of Ordinance 2010-31 if the use will be for recreation versus commercial or industrial development.

Mr. Bill Hansen addressed Council in opposition to passage of Ordinance 2010-31.

Mr. Berry Nichols addressed Council in opposition to passage of Ordinance 2010-31.

Mr. B. J. Littleton addressed Council regarding his support for the Constitution, his opposition to continued zoning and the Comprehensive Plan.

County Council Response to Public Comment:

Mr. Corbeil noted in response to comments from the public that Council's main focus has been and will continue to be job creation and that with the passage of Ordinances 2010-29 and 2010-31 they will create opportunities in Oconee County.

Meeting Recess:

Mr. Dexter recessed the meeting to 6:48 p.m.

Meeting Reconvene:

Mr. Dexter reconvened the meeting to 7:00 p.m.

Pledge of Allegiance:

Mr. Dexter recognized Boy Scout Troop #294 from Mountain Rest Community Club and asked their representative, Robbie Barr, to lead the Pledge of Allegiance. After the Pledge, Mr. Dexter asked all members of the Troop to stand and be recognized.

Minutes:

Mr. Thrift made a motion, seconded by Mr. Corbeil, approved 5 – 0 that the minutes from the November 9, 2010 regular meeting be adopted as printed.

Presentation by Outside Agencies

B.P. Barber / Project North Report on Studies/Surveys

Mr. John Cullbreath along with Mr. Andrew Allen addressed Council utilizing a PowerPoint presentation [copy filed with these minutes] highlighting the following areas:

- Site Location information
- Aerial Photo
- Preliminary Subsurface Exploration
- Wetlands Delineation / Survey
- Topographic Survey
- Environmental Reports
- Identification of Existing Utility Infrastructure
- Site Engineering Evaluation
- Phase Plan [Phases I through IV]
- Infrastructure Cost Estimates
- Phase I Roadway & Utility Improvements

Mr. Corbeil questioned the feasibility of developing this project with a private/public partnership. Mr. McCall voiced concerns regarding the quality of the conceptual plans and the use of this land for the development of recreational facilities.

Mr. Moulder was asked and stated that signature on the contract for purchase prior to passage of the ordinance on third and final reading was a component of the due diligence approved by Council in July of this year. He also noted that the contract has a clause that if the ordinance does not pass the contract is void.

Public Hearing regarding the following:

SC Jobs-Economic Development Authority (SC JEDA) issuance of one or more series of its Recovery Zone Facility Revenue Bonds (the “Bonds”) in an aggregate principal amount not to exceed \$13,000,000

Prior to the beginning of the Public Hearing, Mr. Brian Price, Nexen Pruet Law Firm, and Mr. Seth Henry, APEX Development, addressed Council regarding the proposed issuance of the JEDA bonds for the construction of an assisted living complex in Oconee County. They noted that the project is a for profit business that will be paying property taxes to the county. Mr. Price stated that the hearing is required by law and that the request is for Council to adopt the Resolution.

Mr. Dexter noted that Council was surprised by the public hearing and request to approve a resolution in support of the project as neither Council nor the Administrator had been contacted prior to advertisement of the public hearing. Discussion followed.

Discussion also took place regarding sewer options for the project. Mr. Henry presented a conceptual plan for the project [copy filed with these minutes].

Mr. Dexter opened the Public Hearing.

Ms. Susie Cornelius addressed Council regarding her support for the project but her concerns with that the developer will come to Council requesting reduced taxes or a fee agreement.

Mr. Bo Horne addressed Council voicing concerns that the tax payers will be responsible for repayment of the bond if the developer defaults.

Mr. Scott Vick, Keowee River Developer, addressed Council noting that [1] if the bond is not issued to APEX that the funds will be given to another project in another county; [2] the county is not responsible for bond repayment, and [3] that moving the project to Oconee County on short notice was not an attempt to evade public scrutiny.

Mr. Dexter opened the floor for additional citizens wishing to make public comment regarding the issuance of the JEDA Bonds.

Mr. Thurmond Coward addressed Council requesting that sewer be expanded to Salem via Highway 130 and Highway 11 and not in conjunction with the City of Seneca.

Mr. Tom Markovich addressed Council in support of the project and the job created by this project.

Mr. Dexter asked if any citizens wished to submit any written comments. None were submitted for inclusion with the minutes.

Mr. Dexter closed the public hearing regarding the JEDA Bond issuance.

Consideration of the Following Resolutions:

Resolution R2010-17

Mr. Suarez made a motion, seconded by Mr. Corbeil, approved 5 – 0 to amend the agenda and address this Resolution at this time as family members of the honoree were in attendance.

Mr. Scott Moulder asked members of Mr. Lyles family to step forward to accept both South Carolina State Resolution, dated October 25, 2010 [copy filed with these minutes], and Oconee County **Resolution R2010-17** “A RESOLUTION HONORING MR. JACK BRYAN LYLES”. Mr. Moulder read both into the record and presented Mr. Lyles wife with copies of each.

Mr. McCall made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Resolution R2010-17** “A RESOLUTION HONORING MR. JACK BRYAN LYLES” on first and final reading.

Council returned to the agenda as printed.

Public Hearing regarding the following Ordinances:

Ordinance #2010-29 [400 S. Church Street & Propex Building]

Ordinance #2010-31 [Project North Property]

Both Ordinances have the same caption, noted below:

“AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN OCONEE COUNTY REAL PROPERTY, CONTINGENT ON THE SATISFACTORY COMPLETION OF ALL DUE DILIGENCE AND CONTRACTUAL REQUIREMENTS ESTABLISHED BY OCONEE COUNTY, TO THE SATISFACTION OF OCONEE COUNTY COUNCIL; AUTHORIZING THE COMPLETION OF SUCH DUE DILIGENCE AND CONTRACTS; AUTHORIZING THE RECEIPT OF ALL LAWFUL FUNDS AUTHORIZED FOR SUCH PURCHASES; AUTHORIZING THE EXECUTION AND DELIVERY OF ALL CONTRACTS, INTERGOVERNMENTAL AGREEMENTS, AND OTHER DOCUMENTS RELATED TO SUCH PURCHASES; AUTHORIZING THE AMENDMENT OF THE CURRENT OCONEE COUNTY BUDGET ORDINANCE TO PROVIDE ACCOUNTING AND FUNDING FOR THE TOTAL COST OF CONTRACTING FOR AND PURCHASING SUCH PROPERTIES; AND OTHER MATTERS RELATED THERETO”.

Mr. Dexter opened the public hearing regarding Ordinances 2010-29 and 2010-31.

Mr. Ward Fetrow addressed Council in opposition to passage of Ordinance 2010-31; noting that he felt signing of the contract was inappropriate prior to approval of the ordinance.

Mr. Tom Markovich addressed Council in support of passage of Ordinance 2010-31; noting that signing the contract was common business practice and that the administrator had been instructed by Council to do so in a previous meeting.

Mr. C. W. Richards addressed Council regarding his opposition to use of the property in Ordinance 2010-31 for recreational uses. He stated his support for commercial and industrial development which would create jobs for Oconee County citizens.

Mr. Frankie Pearson addressed Council in opposition to passage of Ordinance 2010-31 as he feels the county already owns too much property that they have not developed.

Ms. Susie Cornelius addressed Council in opposition to passage of Ordinance 2010-31 as it was not properly budgeted in the FY 10-11 budget; that utility tax credit funds from Blue Ridge Electric Cooperative will increase her rates paid, and lastly noting that additional recreation space in the county is not needed.

Mr. Larry Linsin addressed Council regarding his opposition to passage of Ordinance 2010-29 reading from a prepared statement [copy filed with these minutes]. Mr. Linsin voiced concerns about potential Brownfield issues related to the Propex building.

Mr. Bo Horne addressed Council in opposition to both Ordinance 2010-29 and Ordinance 2010-31. His concerns centered on currently owned unused county property and his statement that signing the contract for Project North was inappropriate.

During Mr. Horne's statements and questions to Council Mr. Dexter questioned the attorney regarding the appropriate structure for any public hearing. Mr. Martin stated that it is designed as a time for citizens to make statements to council and not a Q&A session. Mr. Dexter asked Mr. Horne to focus his remarks to specific areas of concern.

Mr. Devoe Blackston addressed Council in opposition to passage of Ordinance 2010-31 as the county has an industrial park not developed.

Mr. Brit Adams addressed Council in opposition to increased spending and taxation by Council.

Mr. Archie Barron, Council Elect District III, addressed Council in support of passage of Ordinance 2010-31 for commercial and industrial uses to help create jobs in the county.

Mr. Tom Sitton addressed Council in opposition to passage of Ordinance 2010-29 and Ordinance 2010-31.

Mr. Tom Markovich addressed Council in support of Ordinance 2010-31 as the site has infrastructure in place.

Mr. Lowell Ross, OJRSA Attorney, addressed Council and provided them with a written statement [copy filed with these minutes] outlining his support for passage of Ordinance 2010-31.

Mr. Dexter opened the floor for additional citizens wishing to make public comment regarding either ordinance.

Mr. Randy Simpson addressed Council in opposition to passage of Ordinance 2010-31.

Mr. Rick Fetrow addressed Council in opposition to passage of Ordinance 2010-31.

Mr. Dan Alexander, City of Seneca Mayor, addressed Council in support of passage of Ordinance 2010-29 noting that there are sufficient safeguards to protect both the city and county from any liability for any contamination on the site prior to purchase. Mr. Alexander also thanked Mr. Moulder for working diligently on this project.

Mr. Mike Hehir addressed Council in support of passage of Ordinance 2010-31.

Mr. Dick Hughes addressed Council in support of passage of Ordinance 2010-31.

Mr. Harold Gibson, Economic Development Commission member, addressed Council in support of passage of Ordinances 2010-29 and 2010-31.

Mr. Carol Brently addressed Council in opposition to passage of Ordinance 2010-29 and 2010-31.

Mr. Joe Jones addressed Council in opposition to passage of Ordinance 2010-29.

Mr. Dexter asked if any citizens wished to submit any written comments. None were submitted for inclusion with the minutes. The Clerk to Council noted that emails received in support and/or opposition to passage of these ordinances would be filed with the minutes.

Mr. Corbeil was recognized by the Chair. He stated that the intent of both ordinances was to create jobs for citizens. Mr. Corbeil noted that Council was aware of the potential environmental issues related to the Propex facility and that all due diligence was being done to protect the county regarding these issues.

Mr. Dexter closed the public hearing.

Consideration of the Following Resolutions:

Resolution R2010-19

Mr. McCall made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Resolution R2010-19** “IN SUPPORT OF THE ISSUANCE BY THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY OF ITS RECOVERY ZONE FACILITY REVENUE BONDS (THE RETREAT AT KEOWEE KEY PROJECT), SERIES 2010, PURSUANT TO THE PROVISIONS OF TITLE 41, CHAPTER 43, OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$13,000,000 AND, IN CONNECTION THEREWITH, DESIGNATING A RECOVERY ZONE IN OCONEE COUNTY PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009” on first and final reading.

Consideration of the Following Ordinances:

Ordinance 2010-29

Mr. Thrift made a motion, seconded by Mr. Dexter, approved 4 – 1 [Mr. McCall opposed] to approve **Ordinance 2010-29** “AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN OCONEE COUNTY REAL PROPERTY, CONTINGENT ON THE SATISFACTORY COMPLETION OF ALL DUE DILIGENCE AND CONTRACTUAL REQUIREMENTS ESTABLISHED BY OCONEE COUNTY, TO THE SATISFACTION OF OCONEE COUNTY COUNCIL; AUTHORIZING THE COMPLETION OF SUCH DUE DILIGENCE AND CONTRACTS; AUTHORIZING THE RECEIPT OF ALL LAWFUL FUNDS AUTHORIZED FOR SUCH PURCHASES; AUTHORIZING THE EXECUTION AND DELIVERY OF ALL CONTRACTS, INTERGOVERNMENTAL AGREEMENTS, AND OTHER DOCUMENTS RELATED TO SUCH PURCHASES; AUTHORIZING THE AMENDMENT OF THE CURRENT OCONEE COUNTY BUDGET ORDINANCE TO PROVIDE ACCOUNTING AND FUNDING FOR THE TOTAL COST OF CONTRACTING FOR AND PURCHASING SUCH PROPERTIES; AND OTHER MATTERS RELATED THERETO” on third and final reading.

Ordinance 2010-31

Mr. Thrift removed himself from the room during discussion and voting on this ordinance.

Mr. McCall stated his opposition to passage of this ordinance noting the Council does not have a plan for the use of the property. He also voiced concerns that he was not aware that the contract had been executed prior to passage of the ordinance until informed by a citizen.

Mr. Suarez stated that Council has acted in good faith in all actions related to this project and that the Council has in place safeguards for the County.

Lengthy discussion followed regarding various aspects of this project, the conceptual plan and proposed uses for the property.

Mr. McCall made a motion, seconded by Mr. Corbeil, approved 3 – 1 – 1 [Mr. McCall opposed to passage and Mr. Thrift recusing himself from the vote (form filed with these minutes)] to approve Ordinance **2010-31** “AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN OCONEE COUNTY REAL PROPERTY, CONTINGENT ON THE SATISFACTORY COMPLETION OF ALL DUE DILIGENCE AND CONTRACTUAL REQUIREMENTS ESTABLISHED BY OCONEE COUNTY, TO THE SATISFACTION OF OCONEE COUNTY COUNCIL; AUTHORIZING THE COMPLETION OF SUCH DUE DILIGENCE AND CONTRACTS; AUTHORIZING THE RECEIPT OF ALL LAWFUL FUNDS AUTHORIZED FOR SUCH PURCHASES; AUTHORIZING THE EXECUTION AND DELIVERY OF ALL CONTRACTS, INTERGOVERNMENTAL AGREEMENTS, AND OTHER DOCUMENTS RELATED TO SUCH PURCHASES; AUTHORIZING THE AMENDMENT OF THE CURRENT OCONEE COUNTY BUDGET ORDINANCE TO PROVIDE ACCOUNTING AND FUNDING FOR THE TOTAL COST OF CONTRACTING FOR AND PURCHASING SUCH PROPERTIES; AND OTHER MATTERS RELATED THERETO” on third and final reading.

Mr. Thrift returned to Council Chambers for the remainder of the meeting.

Ordinance 2010-32

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Ordinance 2010-32** “AN ORDINANCE TO AMEND THE AGREEMENT AUTHORIZED BY ORDINANCES NO. 2006-027, 2008-017, 2010-04 and 2010-24 RELATING TO THE INDUSTRIAL/BUSINESS PARK OF OCONEE AND PICKENS COUNTIES SO AS TO ENLARGE THE PARK” on second reading.

Ordinance 2010-33

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 5 – 0 to amend Ordinance 2010-33 to add an additional member to the Commission.

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 5 – 0 to approve amended **Ordinance 2010-33** “AN ORDINANCE AMENDING THE OCONEE COUNTY CODE OF ORDINANCES, SECTION 34-1 RELATING TO THE OCONEE COUNTY INFRASTRUCTURE ADVISORY COMMISSION” on second reading.

Ordinance 2010-34

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 5 – 0 to amend Ordinance 2010-34 to replace the project name with the company name; Schneider Electric.

Mr. McCall made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve amended **Ordinance 2010-34** “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND SCHNEIDER ELECTRIC USA, INC.; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES RELATED TO THE PROJECT” on second reading.

Ordinance 2010-36

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Ordinance 2010-36** “AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, SERIES 2011, OF OCONEE COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$17,000,000; FIXING THE FORM AND CERTAIN DETAILS OF THE BONDS; AUTHORIZING THE CHAIRMAN OF COUNTY COUNCIL TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO” on second reading.

Ordinance 2010-37

Mr. Corbeil made a motion, seconded by Mr. Suarez, approved 5 – 0 to approve **Ordinance 2010-37** “AN ORDINANCE AUTHORIZING THE TRANSFER OF AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES ACROSS CERTAIN OCONEE COUNTY REAL PROPERTY AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT RELATED TO THE SAME; AND OTHER MATTERS RELATED THERETO” and Easement Agreement on second reading.

Discussion & Possible Action Items:

\$25,000 / Library Board Request / Property Acquisition / Westminster Branch

Mr. Biff Kennedy and Mr. John Adams, Oconee Library Board, addressed Council utilizing photos, a map and conceptual plans [copies filed with these minutes] outlining their request that Council allocate an additional \$25,000 to assist with the purchase of land adjacent to the Oconee

County Library in Westminster. Discussion followed.

Mr. Corbeil made a motion, seconded by Mr. Thrift, approved 5 – 0 to direct the Administrator to identify an appropriate funding source for the land acquisition and appropriate the funds in an amount not to exceed \$25,000.

ATAX / \$1,400 / 2011 Visitor's Guide to the Upcountry South Carolina Magazine
PRT / up to \$6,000 / 2011 Atlanta Boat Show

Mr. Dexter made a motion, seconded by Mr. McCall, approved 5 – 0 to address these two funding requests as a single consent agenda item.

Mr. McCall made a motion, seconded by Mr. Suarez, approved 5 – 0 to approve \$7,400 for the two consent agenda items as outlined in the agenda item summaries [copies filed with the minutes].

Board & Commission Appointments:
Economic Development Commission

Mr. Suarez made a motion, seconded by Mr. Thrift, approved 5 – 0 to reappoint Mr. Harold Gibson [District II] and Mr. Sam Dickson [District IV] to the Economic Development Commission for an additional term.

Commission & Board Reports to Council:

None scheduled for this meeting.

Council Committee Reports:

None scheduled for this meeting.

Administrator's Report:

Mr. Moulder noted that he will have recommendations for Council at an upcoming meeting regarding Sewer in the southern part of the County.

Old Business:

None discussed at this meeting.

New Business:

Board of Zoning Appeals:

Mr. Dexter noted that District V representative, Mr. Eric Molin, has resigned effective December 31, 2010. He asked all interested persons in District V to please complete the questionnaire for his consideration in the new year.

Executive Session:

As the hour was late Mr. Moulder asked that the Executive Session scheduled for this meeting be deferred to a future meeting. Council concurred.

Adjourn:

Mr. McCall made a motion at 11:55 p.m. to adjourn the meeting. The motion was approved unanimously.

Respectfully Submitted:

Elizabeth G. Hulse, Clerk to Council